

# Op/Ed

## CLIMATE CHANGE CONTROVERSY

# Probe Is Beyond Bounds Of Appropriate Oversight

WASHINGTON

**H**ere we go again. In 2005, three respected scientists were subjected to an aggressive demand by policymakers for details about their personal lives after their climate studies ignited political controversy. That inquiry, disguised as a valid request to better understand taxpayer-funded research, sent a chilling message to scientists: If your findings prove unpopular, you could be in trouble.



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Now, one of those same scientists and his previous employer — the University of Virginia — have become the targets of another costly inquiry. The probe launched by Virginia Attorney General Ken Cuccinelli goes beyond the bounds of appropriate oversight, and could threaten the free exchange of scientific findings and ideas.

Cuccinelli has demanded detailed data, computer codes, e-mails, and other correspondence exchanged from 1999 to 2005 between Michael Mann and 39 other scientists. Yet the basis for the investigation remains a mystery. Cuccinelli talks of rooting out possible fraud but he has failed to reveal any clear rationale for his intrusive demands on Mann, who is now at Pennsylvania State University.

The attorney general certainly has a right to ensure the proper use of public funds. But in the absence of any clearly disclosed probable cause, it is impossible to avoid wondering whether this type of open-ended, detailed investigation springs from the same political ideology that prompted Cuccinelli to sue the U.S. Environmental Protection Agency over the regulation of greenhouse gases. Indeed, he has been quoted as saying that the UVa investigation of Professor Mann is warranted "in light of the Climategate e-mails," on the chance that any researchers might have been "steering a course to reach a conclusion."

**T**he problem with such speculation is that private e-mails by Mann and others, selectively leaked on the eve of the December climate summit in Copenhagen, do not reveal any scientific misconduct. Exhaustive inquiries have found no evidence that Mann had ever falsified or attempted to suppress data. Yet now, as U.S. policymakers prepare to debate a climate and energy bill, Cuccinelli is demanding more of Mann's private e-mails. It does feel a bit like a fishing expedition to potentially derail policy action.

Although climate-change skeptics continue to pick at the details of Mann's 1998 "hockey stick" graph of global temperature trends, his overall conclusions have been upheld by many scientific groups, including a panel of the august National Research Council.

The scientific consensus on human-in-

duced climate change has been thoroughly confirmed by thousands of studies by other scientists using thermometer readings, ice-core data, glacier and ice-gap measurements, and more. NASA reported earlier this year that average global temperatures have increased by 1.5 degrees Fahrenheit since 1880. If greenhouse gas levels keep rising, temperatures are expected to increase between 2 and 11.5 degrees Fahrenheit between 1990 and 2100, according to the Intergovernmental Panel on Climate Change.

**Lively debate** among scholars is essential to scientific progress. But the public should not mistake academic disagreements over mechanisms to mean that climate change is still "debatable." It is not. Virtually every scientist and scientific organization now concurs that climate change related to human activities is underway. On May 19, the National Research Council confirmed yet again that climate change is real and being driven mostly by the burning of fossil fuels and by deforestation.

Scientific progress also rests on peer review and self-corrections. Transparency and full disclosure are other keys to good science, and the scientific literature is widely available for public examination. It therefore is unclear why an assessment of financial propriety would involve seemingly baseless demands for years' worth of e-mails, computer codes, and raw data. Such tactics are more suggestive of a politically motivated effort to discredit and demonize an individual scientist and his findings, while intimidating others.

Cuccinelli's investigation has been decided by UVa's Faculty Senate Executive Council, the Union of Concerned Scientists, 810 Virginia scientists and academics, the American Association of University Professors, the American Civil Liberties Union of Virginia, the University Corporation of Atmospheric Research, the American Association for the Advancement of Science, and others.

Global warming is an unsettling prospect, but the good news is that science and technology may offer hope for finding ways to deal with it. Moreover, the purpose of science is to tell us about the natural world, whether or not we like the answer. Unfounded criminal investigations of politically sensitive research could inhibit important research related to national interests because scientists would fear reprisal if their results were unpopular among policymakers.

The attorney general should either fully disclose the specific evidence that triggered his investigation, or stop wasting taxpayers' money and end it now.

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# Cuccinelli Is Following The Law; Mann Up, UVa

WASHINGTON

**T**he University of Virginia indicates it will challenge Attorney General Ken Cuccinelli's request for records produced, using taxpayer resources, by former Assistant Professor of Environmental Sciences Michael Mann.

This is regrettable. Cuccinelli is following smoke to see if there is fire, prompted by troubling revelations in leaked documents that raise serious questions about Mann's activities while at the university.

UVa's Faculty Senate has condemned Cuccinelli's request, calling it a serious infringement upon academic freedom and assault on the freedom of scientific inquiry. It joins a chorus of voices enjoying massive financial support from the taxpayer but who, it seems, believe that this should come without conditions, established by law, which follow the money.

On its face, their problem is with a 2002 statute that passed both state legislative chambers unanimously, the Virginia Fraud Against Taxpayers Act. It bears no hint of exempting academics, scientists, or others from its prohibitions or inquiries that attach to the use of appropriated funds. It empowers the attorney general to compel documents, and testimony about them.

No one claims the law doesn't apply here. With a straight face, scientists and academics instead merely argue against applying it to them. Academic freedom apparently means taking taxpayer money free from accountability under standards applying to the rest of us. Since when?

This inquiry derives from the late 2009 leak of e-mails, computer code, and code annotations produced by Mann and colleagues throughout the "climate" establishment. This is known colloquially as "Climategate."

**D**espite intense efforts to wave the revelations away, the admissions and code annotations establish, among other things, efforts to "hide the decline" in temperatures, and patch thermometer data on the end of tree ring reconstructions despite admonition by colleagues not to do so for it was improper.

Without implausibly recasting the evidence as a series of misinterpretations, how does the attorney general justify ignoring this mountain of evidence in the public domain?

Upon intimidation, it seems. Ritual "McCarthyism" rhetoric and straw-man arguments abound, including keenings about non-existent criminal fraud allegations. Cuccinelli has made none, and is not challenging scientific conclusions. He simply is following the letter of a statute authorizing investigation of possible fraud.

The wailing and gnashing of teeth from scientific, academic, and other establishment salons is of course designed to pressure him to back off. Let's hope they fail, for the signal

such a move would send would be a costly one, in several respects.

In the face of Climategate's revelations, it seems critical to remind all of those living off of taxpayer monies, but pondering inappropriate activism, of these conditions. There is no other external incentive to be honest. Climate science, living high on public money, has proven it cannot or will not self-police. But it is our money they are playing with.

The "climate" industry writ large is now spectacularly funded by the taxpayer, to the tune of about \$9 billion just at the U.S. federal level in 2009. It now far outpaces even our public expenditures on, for example, AIDS (should AIDS researchers be exempted from responsibility?). It appears burdened by those problems associated with other boom industries springing up almost overnight. Granting passes because certain quarters blanche at the prospect of scrutiny is the inappropriate response.

Adherence to conditions that come with public funding is subject to civil enforcement. This request for documents, indeed the statute authorizing it, put academics on notice that they must do their work openly, honestly, and using the traditional approach of the observer who is indifferent to the outcome of the experiment. That is in grave doubt in the instant case. It is troubling how saying so is considered unacceptable, amid escalating name-calling against an attorney general who is operating under a unanimously enacted law, which plainly applies, about which no one previously complained.

**T**here is one other disturbing aspect of the university's telegraphed challenge. That is the double-standard and seemingly malicious treatment to which it subjects academics less politically correct than Dr. Mann.

Consider former Mann colleague Dr. Pat Michaels, who as a research professor of environmental sciences drew great political and academic wrath by challenging the same political and policy agenda that Mann champions.

In stark contrast to Mann's case, UVa has told Michaels it is preparing to provide his records and e-mails to Greenpeace under the Freedom of Information Act. The establishment reaction? Silence.

Oddly, UVa informed Del. Bob Marshall that he could not similarly have Mann's records, claiming they were destroyed by virtue of Mann having departed the university.

Of course, so had Michaels. Both were in the same department. Yet Michaels' records remain, and are on their way to Greenpeace. A university FOIA official explained to Michaels that some peoples' records are treated differently.

Indeed. The university needs to self-correct, and faithfully and evenly follow all laws.

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